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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/569,761
Filing Date: February 24, 2006
Appellant(s): VON HELMOLT ET AL.

Thomas M. Coester (Reg. # 39,637)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/21/2010 appealing from the Office action mailed 01/11/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-28 are currently pending.

Claims 1-28 are rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 7,249,044	Kumar et al.	07-2007
US 7,281,046	Sunderasan et al.	10-2007
US 5,649,103	Datta et al.	07-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims. The ground(s) for rejection are reproduced below from the final Office Action and are provided here for the convenience of both Appellant and the Board of Patent Appeals:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7249044 (Kumar et al. – hereinafter referred to as Kumar) in view of US 7281046 (Sunderasan et al. – hereinafter referred to as Sunderasan).

Referring to **claim 1**, Kumar discloses a data processing method for a customer request comprising:

receiving a request for an item from a customer data processing system at a central data processing system, wherein the request includes an item identifier; [see col. 4, lines 42-47; col. 5, lines 47-67; col. 6, lines 30-33 and 38-40; col. 11, lines 5-8; col. 37, lines 21-22]

generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items, wherein the sub-requests are assigned to a plurality of external or internal partner systems based on predefined rules; [see col. 4, lines 47-65; col. 6, lines 38-40; col. 11, lines 9-11; col. 15, lines 1-18 and 48-57; col. 37, lines 22-30. *See also MPEP 2141.01(a) and 2144.04 (VI)*]

generating a response based on association of the sub-responses with the original item; (see col. 4, lines 58-60; col. 11, lines 14-16; col. 15, lines 4-6)

sending the response back to the customer data processing system. (see col. 4, lines 58-60; col. 11, lines 14-16)

But Kumar does not explicitly disclose the limitations:

generating a separate unique identifier for each of the sub-requests;

storing the unique identifiers being assigned to the sub-requests, in a retrievable medium with the associated item by the central data processing system;

sending the sub-requests with the unique identifiers to partner systems;

receiving sub-responses at the central data processing system, each sub-responses having unique identifiers that is the same as the unique identifiers of the corresponding sub-request;

matching the sub-response to the sub-request based on the unique identifiers;

However, Sunderasan teaches a system with the limitations:

generating a separate unique identifier for each of the sub-requests; [see col. 2, lines 55-65; col. 7, lines 35-41]

storing the unique identifiers being assigned to the sub-requests, in a retrievable medium with the associated item by the central data processing system; [see col. 7, lines 46-64]

sending the sub-requests with the unique identifiers to partner systems; [see col. 4, lines 47-56; col. 11, lines 9-11]

receiving sub-responses at the central data processing system, each sub-responses having unique identifiers that is the same as the unique identifiers of the corresponding sub-request; [see col. 2, lines 55-65]

matching the sub-response to the sub-request based on the unique identifiers; [see col. 2, lines 55-65]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to Kumar to have incorporated the limitations: generating a separate unique identifier for each of the sub-requests; storing the unique identifiers being assigned to the sub-requests, in a retrievable medium with the associated item by the central data processing system; sending the sub-requests with the unique identifiers to partner systems; receiving sub-responses at the central data processing system, each sub-responses having unique identifiers that is the same as the unique identifiers of the corresponding sub-request

and matching the sub-response to the sub-request based on the unique identifiers, in accordance with the teachings of Sunderasan, in order to provide unique identifier to each request and sub-request with matching corresponding response and sub-response to produce a concise and accurate results of data processing, since so doing could be performed readily and easily by any person of ordinary skill in the art, without undue experimentation, nor risks of unexpected results.

Referring to **claim 2**, Kumar discloses the system as applied in the rejection of claim 1 above, wherein said sending of the sub- requests to partner systems further comprises at least one of:

sending a sub-request for a partner search or a partner availability check at item level or; [see col. 4, lines 61-66; col. 6, lines 4-11 and 32-49; col. 7, lines 25-34]

determining at least one business system or an availability check for this system at item level. [see col. 4, lines 61-66; col. 6, lines 4-11 and 32-49; col. 7, lines 25-34]

Referring to **claim 3**, Kumar discloses the system as applied in the rejection of claim 2 above, wherein performing of the partner search is done with the use of functions. (see col. 6, line - col. 7, line 67; col. 7, lines 58-65; – *Functions/rules are pre-defined by the customer/fulfillment server or specified in the request.*)

Referring to **claim 4**, Kumar discloses the system as applied in the rejection of claim 3 above, wherein the functions comprise standard functions, as well as functions of customers and partners. (see col. 6, line 54 - col. 7, line 67)

Referring to **claim 5**, Kumar discloses the system as applied in the rejection of claim 2 above, wherein the partner system which received the request for availability check temporarily reserves a requested resource that has been identified as available. (see col. 10, lines 20-28; col. 13, lines 14-16; col. 17, lines 26-28; col. 18, lines 6-9; col. 18, lines 49-54)

Referring to **claim 6**, Kumar discloses the system as applied in the rejection of claim 5 above, wherein the partner system deletes the reservation for the requested resources unless the central data processing system sends a message if no acceptance is received from the customer within the predetermined time interval. (see col. 13, lines 16-20; col. 17, lines 29-31)

Referring to **claim 7**, it contains similar limitations as set forth in claim 1 and therefore is rejected based on the same rationale.

Referring to **claim 8**, Kumar discloses the system as applied in the rejection of claim 7 above, wherein the request comprising the plurality of items is processed in a looping mode. (see col. 4, lines 35-41; col. 7, lines 58-65; col. 16, lines 28-50)

Referring to **claim 9**, Kumar discloses the system as applied in the rejection of claim 1 above, wherein the request for the at least one item has a structure of an order-like document that comprises: -a header section; -at least one item; -at least one schedule line per item comprising information regarding requested by the customer including a delivery date and a quantity. [see col. 11, lines 23-25 and 63-67; cols. 12-14]

Referring to **claim 10**, Kumar discloses the system as applied in the rejection of claim 1 above, wherein generating the plurality of sub-requests for a plurality of partner systems includes criteria defined by the customer. (see col. 7, lines 58-60; col. 8, lines 4-8; col. 11, lines 18-38)

Referring to **claim 11**, Kumar discloses the system as applied in the rejection of claim 1 above, further comprising the following operations conducted prior to sending the response back to the customer data processing system:

comparing at least one sub-response to the preferred choice specified by a customer; (see col. 7, lines 58-67; col. 8, lines 1-8; col. 10, lines 15-20; col. 15, lines 48-57)

selecting a preferred choice from the group consisting of the at least one sub-response. (see col. 7, lines 58-67; col. 8, lines 1-8; col. 10, lines 15-20; col. 15, lines 48-57)

Referring to **claim 12**, Kumar discloses the system as applied in the rejection of claim 11 above, wherein the act of selecting the preferred choice is based on the customer's preferences. (see col. 7, lines 58-67; col. 8, lines 1-8; col. 10, lines 15-20)

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 7249044 (Kumar), as applied to claim 11 above, in view of US 7281046 (Sunderasan) and further in view of US 5649103 (Datta et al. – hereinafter referred to as Datta)

Referring to **claim 13**, Kumar and Sunderasan disclose the system as applied in the rejection of claim 11 above. But neither Kumar nor Sunderasan explicitly discloses the limitation: wherein asynchronous communication means are used and the sub-responses are aggregated in the database until all sub-responses have been received.

However, Datta teaches a system with the limitation: wherein asynchronous communication means are used and the sub-responses are aggregated in the database until all sub-responses have been received. (see col. 3, lines 13-15, 29-34 and 37-48)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the combination of Kumar and Sunderasan to have included the limitation: wherein asynchronous communication means are used

and the sub-responses are aggregated in the database until all sub-responses have been received, in accordance with the teachings of Datta, in order to use an asynchronous means to aggregate responses in a database until all sub-responses are received, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7249044 (Kumar) in view of US 7281046 (Sunderasan).

Referring to **claim 14**, it contains similar limitations as set forth in claim 1 and therefore is rejected based on the same rationale.

Referring to **claim 15**, Kumar discloses the system as applied in the rejection of claim 14, wherein a central data processing system further comprises interfaces for communication between a sales system, the purchasing system, the manufacturing system, the planning system and other internal or external systems. (see col. 33, lines 13-20; col. 36, lines 10-24 – *The various components of the order fulfillment system communicate via various interfaces over the network.*)

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7249044 (Kumar), as applied to claim 14 above, in view of US 7281046 (Sunderasan) and further in view of US 5649103 (Datta)

Referring to **claim 16**, Kumar and Sunderasan disclose the system as applied in the rejection of claim 14 above. But neither Kumar nor Sunderasan explicitly discloses the limitation: further comprising asynchronous communication means to use database tables for storage of the sub- responses.

However, Datta teaches a system with the limitation: further comprising asynchronous communication means to use database tables for storage of the sub-responses. (see col. 2, lines 61-67; col. 3, lines 1-4 and 20-28)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the combination of Kumar and Sunderasan to have included the limitation: further comprising asynchronous communication means to use database tables for storage of the sub- responses, in accordance with the teachings of Datta, in order to use an asynchronous means to aggregate responses in a database until all sub-responses are received, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 17**, Kumar and Sunderasan disclose the system as applied in the rejection of claim 16 above. But neither Kumar nor Sunderasan explicitly discloses

the limitation: wherein the means of generating a response based on association of the sub-responses with the original item and sending the response back to the customer data processing system, in case of the asynchronous communication, are applied only when all the requested sub-responses are collected in the database.

However, Datta teaches a system with the limitation: wherein the means of generating a response based on association of the sub-responses with the original item and sending the response back to the customer data processing system, in case of the asynchronous communication, are applied only when all the requested sub-responses are collected in the database. (see col. 2, lines 61-67; col. 3, lines 1-4, 13-15, 20-28 and 31-42)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the combination of Kumar and Sunderasan to have included the limitation: wherein the means of generating a response based on association of the sub-responses with the original item and sending the response back to the customer data processing system, in case of the asynchronous communication, are applied only when all the requested sub-responses are collected in the database, in accordance with the teachings of Datta, in order to use an asynchronous means to aggregate responses in a database until all sub-responses are received, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 18**, Kumar and Sunderasan disclose the system as applied in the rejection of claim 17 above. But neither Kumar nor Sunderasan explicitly discloses the limitation: wherein the asynchronous communication means are to execute a query to determine if all necessary sub-responses have been collected.

However, Datta teaches a system with the limitation: wherein the asynchronous communication means are to execute a query to determine if all necessary sub-responses have been collected. (see col. 2, lines 61-67; col. 3, lines 1-4, 13-15, 20-28 and 31-42)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the combination of Kumar and Sunderasan to have included the limitation: wherein the asynchronous communication means are to execute a query to determine if all necessary sub-responses have been collected, in accordance with the teachings of Datta, in order to use an asynchronous means to aggregate responses in a database until all sub-responses are received, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 19**, it contains similar limitations as set forth in claim 1 and therefore is rejected based on the same rationale.

Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7249044 (Kumar) in view of US 5649103 (Datta) and further in view of US 7281046 (Sunderasan).

Referring to **claim 20**, Kumar discloses a data processing system for processing a request for an item, the data processing system comprising:

- means for selecting an asynchronous or a synchronous communication mode for communication with partner computer systems, (see col. 4, lines 35-38; col. 7, lines 58-61)

- means for splitting the request into a set of sub-requests, wherein each sub-request is for a sub-item of the item, each sub-item is mapped to the item based on an item identifier associated with the item and a sub-item identifier associated with the sub-item. [see col. 4, lines 47-65; col. 6, lines 38-40; col. 11, lines 9-11; col. 15, lines 1-18 and 48-57; col. 37, lines 22-30. *See also MPEP 2141.01(a) and 2144.04 (VI)*]

- means for sending the response. (see col. 4, lines 58-60; col. 11, lines 14-16)

But Kumar does not explicitly disclose the limitations:

synchronous communication means being adapted to send a first one of the sub-requests of the set of sub-requests to one of the partner computer systems, wait for the respective sub-response from the one of the partner computer systems and send a second one of the sub-requests of the set of sub-requests to one of the partner computer systems after the sub-response has been received, wherein the sub-responses are stored in a random access memory with the associated item by the data processing system.

asynchronous communication means being adapted to send the sub-requests in parallel to the partner computer systems, store respective sub-responses of the partner computer systems in a database on a non-volatile storage device with the associated item by the data processing system, means for combining the sub-responses to generate a response to the request,

means for generating a first unique identifier for each of the sub-requests, the first unique identifiers are generated by the data processing system;

means for generating a second unique identifier for each of the sub-responses, the second unique identifiers are identical to the first unique identifier of the corresponding sub-request; and

means for sending the response, wherein generating the response to the request is performed by matching the sub-responses to the sub-requests based on the first and second unique identifiers.

However, Datta teaches a system with the limitations:

synchronous communication means being adapted to send a first one of the sub- requests of the set of sub-requests to one of the partner computer systems, wait for the respective sub-response from the one of the partner computer systems and send a second one of the sub-requests of the set of sub-requests to one of the partner computer systems after the sub-response has been received, wherein the sub-responses are stored in a random access memory with the associated item by the data processing system. (see col. 1, lines 28-33; col. 5, lines 4-6 – *This is functionally equivalent to the synchronous communication mode.*)

asynchronous communication means being adapted to send the sub-requests in parallel to the partner computer systems, store respective sub-responses of the partner computer systems in a database on a non-volatile storage device with the associated item by the data processing system, means for combining the sub-responses to generate a response to the request, (see col. 3, lines 13-40; col. 5, lines 4-6)

In addition, Sunderasan teaches a system with the limitations:

means for generating a first unique identifier for each of the sub-requests, the first unique identifiers are generated by the data processing system; [see col. 2, lines 55-65; col. 7, lines 35-41]

means for generating a second unique identifier for each of the sub-responses, the second unique identifiers are identical to the first unique identifier of the corresponding sub-request; and [see col. 2, lines 55-65; col. 7, lines 35-41]

means for sending the response, wherein generating the response to the request is performed by matching the sub-responses to the sub-requests based on the first and second unique identifiers. [see col. 2, lines 55-65; col. 7, lines 35-41]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have modified the system of Kumar to have included the limitations: synchronous communication means being adapted to send a first one of the sub-requests of the set of sub-requests to one of the partner computer systems, wait for the respective sub-response from the one of the partner computer systems and send a second one of the sub-requests of the set of sub-requests to one of the partner computer systems after the sub-response has been received, wherein the sub-

responses are stored in a random access memory with the associated item by the data processing system; asynchronous communication means being adapted to send the sub-requests in parallel to the partner computer systems, store respective sub-responses of the partner computer systems in a database on a non-volatile storage device with the associated item by the data processing system, means for combining the sub-responses to generate a response to the request; means for generating a first unique identifier for each of the sub-requests, the first unique identifiers are generated by the data processing system; means for generating a second unique identifier for each of the sub-responses, the second unique identifiers are identical to the first unique identifier of the corresponding sub-request; and means for sending the response, wherein generating the response to the request is performed by matching the sub-responses to the sub-requests based on the first and second unique identifiers., in accordance with the teachings of Datta and Sunderasan, in order to provide using a specified communication mode and unique identifiers to each request and sub-request with matching corresponding response and sub-response to produce a concise and accurate results of data processing, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 21**, Kumar discloses the system as applied in the rejection of claim 20, wherein the means for selecting the asynchronous or synchronous

communication mode comprises a set of rules to be applied on the request. (see col. 4, lines 35-38; col. 7, lines 58-65)

Referring to **claim 22**, Kumar discloses the system as applied in the rejection of claim 21 above, wherein the means for splitting the request into a set of sub-requests uses the set of rules for the splitting operation. (see col. 4, lines 42-50; col. 7, lines 58-65; col. 11, lines 9-11)

Referring to **claim 23**, Kumar discloses the system applied in the rejection of claim 20 above. But Kumar does not explicitly disclose the limitation: wherein the asynchronous communication means is to check the database for completeness for each incoming sub-response.

However, Datta teaches a system with the limitation: wherein the asynchronous communication means is to check the database for completeness for each incoming sub-response. (see col. 2, lines 61-67; col. 3, lines 1-4 and 29-40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have adapted the system of Kumar to have included the limitation: wherein the asynchronous communication means is to check the database for completeness for each incoming sub-response, in accordance with the teachings of Datta, in order to ensure the completeness of the response to each item request, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 24**, Kumar discloses the system as applied in the rejection of claim 23 above. But Kumar does not explicitly disclose the limitation: wherein the asynchronous communication means is to perform the check of the database by performing a database query using the sub-request and sub-response identifiers as keys.

However, Datta teaches a system with the limitation: wherein the asynchronous communication means is to perform the check of the database by performing a database query using the sub-request and sub-response identifiers as keys. (see col. 2, lines 61-67; col. 3, lines 20-40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have adapted the system of Kumar to have included the limitation: wherein the asynchronous communication means is to perform the check of the database by performing a database query using the sub-request and sub-response identifiers as keys, in accordance with the teachings of Datta, in order to ensure the completeness of the response to each item request, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claims 25-28**, they contain similar limitations as set forth in claims 20-24 and therefore is rejected based on the same rationale.

(10) Response to Argument

Claims 1-5, 7-12, 14, 15 and 19

Regarding claim 1, Appellants submit that the combination of Kumar and Sunderasan fails to disclose "receiving a request for an item from a customer data processing system at a central data processing system, wherein the request includes an item identifier associated with the item; generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items". Also, Appellants submit that claims 14 and 19 recite analogous elements.

Applicant argues that Kumar discloses a system in which clients submit requests for products to a fulfillment server. The requests include line-items which pertain to the products requested by the clients. Sub-requests may subsequently be generated for the products associated with each line-item. The fulfillment server may return sub-quotations responsive to the sub-requests. However, Kumar fails to disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items," because the line-items of Kumar are not mapped to sub-items based on identifiers associated with the line-items such that sub-requests for these mapped sub-items can be generated. By failing to associate each sub-item to another item, the system of Kumar does not breakdown items into sub-items as recited in claim 1.

Instead, the line-items of Kumar form the basis for the sub-requests without being mapped to sub-items with associated identifiers. (Kumar, column 4, line 42 through column 5, Line 3).

In addition, Appellants argue that the only portion of Kumar that discloses mapping is related to mapping items to suppliers. Specifically, requested items are mapped to potential suppliers of these items (Kumar, Column 15, Lines 46-57). However, mapping requested items to suppliers is not equivalent to mapping sub-items to requested items, because the mapping of Kumar does not involve a mapping between items within a hierarchy of items. Additionally, Kumar does not disclose that the mapping is implemented using identifiers, because Kumar is silent as to using identifiers to map requested items. The Examiner argues that Kumar inherently discloses mapping sub-quotations to sub-requests using identifiers, but provides no rationale for this alleged inherency (Advisory Action, Page 2).

To establish inherency, the descriptive matter must necessarily be present in the cited reference. See M.P.E.P. § 2112(IV). By failing to provide any reasoning, the Examiner has failed to establish inherency in accordance with M.P.E.P. § 2112(IV). Further, it is not necessary in Kumar to map sub-quotations to sub-requests as instead they may be associated with each other through a synchronous operation. For example, the fulfillment server may send out a sub-request and wait for a sub-quotation prior to sending out another sub-request. In this manner, sub-requests and sub-quotations are associated together without identifiers.

Further, Appellants argue that claim 1 does not recite mapping sub-quotations to sub-requests. Instead, claim 1 recites that sub-items are mapped to items. Thus, whether or not Kumar discloses mapping sub-quotations to sub-requests is irrelevant, because these elements are not recited in the claim and are not argued by the Appellants.

Thus, for at least the reasons presented above, Kumar fails to disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items" as recited in claim 1.

Furthermore, the Examiner has not cited and the Appellants have been unable to locate any sections of Sunderasan that cure the deficiencies of Kumar. Thus, for at least the reasons presented above, the combination of Kumar and Sunderasan fails to teach or suggest each element of claim 1.

Appellants submit that claims 14 and 19 include elements analogous to those of claim 1. For at least the reasons discussed below in the Appellants' argument over the 35 U.S.C. § 103 rejection of claim 1, the Appellants submit that the combination of Kumar and Sunderasan fails to teach or suggest each element of claims 14 and 19.

Dependent claims 2-5, 7-12, and 15 depend from base claims 1 and 14, respectively and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with the respective base claims, the Appellants submit

that the combination of Kumar and Sunderasan fails to teach or suggest each element of claims 2-5, 7-12, and 15.

In response to Appellants' arguments, Examiner respectfully disagrees.

Kumar teaches that "in general, clients submit ATP requests to a fulfillment server, each request including one or more line-items pertaining to specific products that each may be ATP at one or more distributed ATP servers. The requests may, for example, come from an interactive or non-interactive order capture system at client. Fulfillment server brokers component ATP requests corresponding to these line-items to the appropriate ATP servers and/or LFM's using a network. If an LFM receives a component ATP request, LFM may in turn use an associated ATP server or a local database to perform necessary computations and record any necessary reservations or changes. An ATP server operating without an associated LFM may itself perform necessary computations and record any necessary reservations or changes. ATP servers and/or LFM's send resulting component quotations to fulfillment server, which manipulates the component quotations as appropriate and presents a unified overall quotation to the requesting client, commensurate with the original corresponding ATP request" (col. 4, lines 42-61).

In addition, Kumar teaches that some of the attributes of a request may include without limitations: (1) user ID--user of client 12 submitting the request; (2) customer ID--used to determine business constraints relevant to request; (3) customer request ID--assigned at client and used primarily for tracking purposes; (4) **request ID--assigned at**

fulfillment server and used for subsequent processing and administrative activities... (col. 12, lines 5-14).

Further, Kumar discloses that "in one embodiment, the request line-item is an object having the following attributes or otherwise supporting the following information, in any combination and without limitation: ***(1) request ID--links request line-item to request; (2) request line-item ID--assigned at fulfillment server 16...***(col. 13, lines 40-45; col. 14, lines 45-50).

The system according to Kumar teaches that "each of the line-items associated with ATP request 30 may be fulfilled from a logically or geographically distinct ATP server 14. In this workflow, the primary tasks of fulfillment server 16 are to decompose ATP request 30 into individual request line-items, broker resulting component ATP requests 32 against the distributed network of ATP servers 14 using network 20 and LFM 22, evaluate component quotations 34 received from LFM 22, and send a unified quotation 36 to client 12 using network 18" (col. 14, line 64 - col. 15, line 6; col. 16, line 51 - col. 17, line 5).

Thus, the system of Kumar teaches that each sub-request or component request are assigned identifiers by the fulfillment server, that links the associated sub-request or component request to the original request (also assigned a request identifier) submitted by the client.

Kumar teaches that "In one embodiment, each component quotation is an object with the following attributes or supporting the following information, in any appropriate combination and without limitation: ***(1) component quotation ID--assigned at LFM 22***

and/or ATP server 14 when it creates the component quotation; (2) component request ID; (3) fulfillment server ID..."(col. 20, lines 23-30)

Also, Kumar teaches that "In one embodiment, each component quotation is an object with the following attributes or supporting the following information, in any appropriate combination and without limitation: (1) **component quotation ID--assigned at LFM 22 and/or ATP server 14 when it creates the component quotation; (2) component request ID; (3) fulfillment server ID..."** (col. 22, lines 19-23)

Kumar discloses that "When all the component quotations 34 have been received and quotation 36 is complete, fulfillment service 16 evaluates the overall quotation 36 according to the business constraints specified in the originating ATP request 30. As a result, fulfillment server 16 determines whether the requirements for ATP request 30 have been met and filters any non-conforming supplier responses from the unified quotation 36 to be presented to client 12." (col. 20, line 52 – col. 21, line 4)

Therefore, the system according to Kumar links the quotations of the sub-requests and component requests via the assigned associated identifiers (as contained in the sub-request and quotation attributes) in order to produce a unified overall quotation to the original request submitted by the client.

According, the combination of Kumar and Sunderasan explicitly or implicitly teaches or at least suggest the limitations of claim 1. Claims 14 and 15 contain similar limitations and are unpatentable over the cited references for at least reasons discussed above.

In addition, dependent claims 2-5, 7-12, and 15 which depend from base claims 1 and 14, respectively and incorporate the limitations thereof, are unpatentable over the cited references for at least reasons discussed above.

Claims 20, 21, 23-25, 27 and 28

Regarding claim 20, Appellants submit that the combination of Knmar, Sunderasan and Datta fails to disclose "means for splitting the request into a set of sub-requests, wherein each sub-request is for a sub-item of the item, each sub-item is mapped to the item based on an item identifier associated with the item and a sub-item identifier associated with the sub-item". Appellants submit that claim 25 recites analogous elements.

Appellants argue that for at least the reasons discussed above in relation to claim 1, the combination of Kumar and Sunderasan fails to disclose each element of claims 20 and 25. Additionally, the Examiner has not cited and the Appellants have been unable locate any sections of Datta that cure the deficiencies of Kumar and Sunderasan. Thus, for at least the reasons presented above, the combination of Kumar, Sunderasan and Datta fails to teach or suggest each element of claims 20 and 25 and these claims are separately patentable.

In addition, Applicant submits that dependent claims 21, 23, 24, 27, and 28 depend from base claims 20 and 25, respectively and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with the respective base claims, the Appellants submit that the combination of Kumar,

Sunderasan and Datta fails to teach or suggest each element of claims 21, 23, 24, 27, and 28.

In response to Appellants' arguments, Examiner respectfully disagrees. The combination of Kumar, Sunderasan and Datta teaches or at least suggests the limitations of independent claims 20 and 25 as discussed above in connection to claim 1.

In addition, dependent claims 21, 23, 24, 27 and 28, which depend from base claims 20 and 25, respectively and incorporate the limitations thereof, are unpatentable over the cited references for at least reasons discussed above.

Claim 6

Regarding claim 6, Applicant submits that it depends from independent claim 1 and thus incorporates the respective limitations thereof. For at least the reasons discussed above regarding independent claim 1, the combination of Kumar and Sunderasan fails to teach or suggest each element of dependent claim 6.

Further, the Appellants submit that the combination of Kumar and Sunderasan fails to disclose, "the partner system deletes the reservation for the requested resources unless the central data processing system sends a message if no acceptance is received from the customer within the predetermined time interval" (emphasis added).

Appellants argue that the Examiner cites paragraph column 13, lines 16-20 and column 17, lines 29-31 of Kumar to allegedly disclose these elements. See Final Office

Action, Page 7. These sections of Kumar disclose a fulfillment server that updates a status field for an ATP request. See Kumar, Column 13, Lines 16-20 and Column 17, Lines 29-31. The status field may be updated to recite "acceptance not received" or "confirmation not received" when a quotation confirmation has not yet been received from a client. However, Kumar fails to disclose that a partner system deletes a reservation for requested resources, because Kumar is silent as to any action taking place at a partner system. Thus, Kumar fails to disclose "the partner system deletes the reservation for the requested resources unless the central data processing system sends a message if no acceptance is received from the customer within the predetermined time interval" as recited in claim 6.

Further, Appellants submit that the Examiner has not cited and the Appellants have been unable to locate any sections of Sunderasan that cure the deficiencies of Kumar. Thus, the combination of Kumar and Sunderasan fails to teach or suggest each element of claim 6.

In response to Appellants' arguments, Examiner respectfully disagrees.

Claim 6, which depend from base claim 1, and incorporates the limitations thereof, is unpatentable over the cited references for at least reasons discussed above for independent claim 1.

Appellants disclosure teaches that:

[0043] Some functions enable the assignment of an expiration date to their temporary quantity assignments. If this date has been reached, the temporary

quantity assignments are automatically handled (deleted, for example). Up to this date, the temporary quantity assignments are active, that is, they reserve a quantity. However, if the expiration date is not assigned automatically, the Fulfilment Coordination Engine has to send a specific message terminating the reservation of resources.

Thus, Appellants method and system deletes a reservation, for a specified quantity of resources based on an associated request, if no confirmation is received by an expiration data.

The system of Kumar teaches that, "client 12 may generate a quotation confirmation to totally or partially accept the quotation. In one embodiment, fulfillment server 16 manipulates the quotation confirmation as appropriate and sends component quotation confirmations to ATP servers 14 and/or LFM's 22, each component quotation confirmation corresponding to a particular component ATP request. ATP servers 14 and/or LFM's 22 generate component promises that consume supply and form binding commitments between the customer and suppliers as to the requested products. Fulfillment server 16 presents a unified promise to client 12, commensurate with the corresponding ATP request, based on the component promises it receives from LFM's 22 and ATP servers 14. Client 12 may generate an acceptance to totally or partially accept the promise, then sending the acceptance to fulfillment server 16. Fulfillment server 16 sends component acceptances to ATP servers 14 and/or LFM's 22, and ATP servers 14 and/or LFM's 22 respond to fulfillment server 16 with component acceptance confirmations. Once fulfillment server 16 has sent a unified acceptance confirmation to

client 12, based on component acceptance confirmations received from ATP servers 14 and/or LFM 22, the order promising and fulfillment cycle is complete. Operation of system 10 is described more fully below." (col. 5, lines 4-26)

In addition, Kumar teaches that the fulfillment server 16 may allow a LFM 22, ATP server 14, or other supplier system to withdraw a component quotation. For example, a supplier may lose a source of raw materials for one of its products, and the supplier may take steps to withdraw any quotations involving that product. The ability to withdraw a quotation may depend on the status of the quotation. For example, a supplier may be unable to withdraw a quotation that has been accepted by a client 12. (col. 10, lines 20-48)

Thus, the system according to Kumar contains functionality that can allow a supplier or partner system to update the status of a quotation (such as deletion/cancellation) in the fulfillment server, if no acceptance is received from a client within a predetermined time interval. (see also col. 13, lines 16-20; col. 17, lines 29-31)

Claims 13 and 16-18

Appellants submit that dependent claims 13 and 16-18 depend from patentable base claims. Claims 13 and 16-18 depend from independent claims 1 and 14, respectively, and thus incorporate the respective limitations thereof. For at least the reasons discussed above regarding independent claims 1 and 14, the combination of Kumar and Sunderasan fails to teach or suggest each element of dependent claims 13 and 16-18.

Additionally, the Examiner has not cited and the Appellants have been unable to locate any sections of Datta that cure the deficiencies of Kumar and Sunderasan.

In response to Appellants arguments, Examiner respectfully disagrees.

Dependent claims 13 and 16-18, which depend from base claims 1 and 14, respectively and incorporate the limitations thereof, are unpatentable over the cited references for at least reasons discussed above.

Claim 22

Appellants submit that claim 22 depends from independent claim 20 and thus incorporates the respective limitations thereof. For at least the reasons discussed above regarding independent claim 20, the combination of Kumar, Datta, and Sunderasan fails to teach or suggest each element of dependent claim 22

Further, Appellants submit that the combination of Kumar, Datta, and Sunderasan fails to disclose "wherein the means for splitting the request into a set of sub-requests uses the set of rules for the splitting operation".

Appellants argue that the Examiner cites column 4, lines 42-50, column 7, lines 58-65, and column 11, lines 9-11 of Kumar to allegedly disclose these elements. These sections of Kumar disclose clients that submit ATP requests to a fulfillment server. The fulfillment server turns the ATP requests into component ATP requests. Thereafter, the fulfillment server brokers the component ATP requests to ATP servers based on predefined rules. However, Kumar fails to disclose that these rules are used to split the

requests into sub-requests (i.e. turn the ATP requests into component ATP requests), because the rules are instead used to broker component ATP requests to ATP servers.

In addition, Appellants argue that Kumar fails to disclose how the ATP requests are split up into component ATP requests, because Kumar is silent with respect to this operation. Thus, Kumar fails to disclose "wherein the means for splitting the request into a set of sub- requests uses the set of rules for the splitting operation" as recited in claim 22.

Further, the Examiner has not cited and the Appellants have been unable to locate any sections of Datta or Sunderasan that cure the deficiencies of Kumar. Thus, the combination of Kumar, Datta, and Sunderasan fails to teach or suggest each element of claim 22.

In response to Appellants arguments, Examiner respectfully disagrees.

Kumar (col. 4, lines 42-50) teaches that clients 12 submit ATP requests to fulfillment server 16, ***each request including one or more line-items pertaining to specific products that each may be ATP at one or more distributed ATP servers*** 14...***Fulfillment server 16 brokers component ATP requests corresponding to these line-items to the appropriate ATP servers 14 and/or LFM 22 using network 20. If an LFM 22 receives a component ATP request, LFM 22 may in turn use an associated ATP server 14 or a local database to perform necessary computations and record any necessary reservations or changes.***

Thus, the system according to Kumar breaks down the client ATP request into component requests corresponding to each line-item and forwards it to the appropriate ATP server or LFM.

In addition, Kumar teaches that the fulfillment server 16 uses business constraints or "rules" described above, which it may have previously stored, received within ATP requests from clients 12, and/or obtained in any other way, to source request line-items to particular ATP servers 14 and/or LFM 22 or to filter out any component quotation and component promise responses from ATP servers 14 and/or LFM 22 that do not satisfy these constraints. (col. 7, lines 58-65; col. 14, line 65 - col. 15, line 6)

The system according to Kumar uses "rules" or "constraints" to breakdown the ATP requests and forward the component requests to the appropriate ATP server or LFM.

Claim 26

Applicant submits that claim 26 depends from independent claim 25 and thus incorporates the respective limitations thereof. For at least the reasons discussed above regarding independent claim 25, the combination of Kumar, Datta, and Sunderasan fails to teach or suggest each element of dependent claim 26.

Further, Appellants submits that the combination of Kumar, Datta, and Sunderasan fails to disclose "wherein a set of rules is used for selecting the

asynchronous or the synchronous communication mode and for splitting the request into a set of sub-requests".

Appellants argue that the Examiner does not cite any particular sections of Kumar, Datta, and Sunderasan to allegedly disclose these elements.

It appears the Examiner is analogizing the emphasized elements of claim 26 with the elements of claim 21. Based on this assumption, the Examiner cites column 4, lines 35-38 and column 7, lines 58-65 to allegedly disclose these elements of claim 26. These sections of Kumar disclose a fulfillment server turns ATP requests into component ATP requests and brokers the component ATP requests to ATP servers based on predefined rules. The ATP servers process these component ATP requests in an asynchronous or a synchronous manner. However, Kumar fails to disclose that rules are used to select between an asynchronous and a synchronous mode, because the rules of Kumar are instead used to broker ATP requests to ATP servers.

Further, Appellants argue that Kumar fails to disclose how an asynchronous and a synchronous mode are selected, because Kumar is silent with respect to this operation. Thus, Kumar fails to disclose "wherein a set of rules is used for selecting the asynchronous or the synchronous communication mode" as recited in claim 26.

Also, Appellants submit that the combination of Kumar, Datta and Sunderasan fails to disclose "wherein a set of rules is used for selecting the asynchronous or the synchronous communication mode and for splitting the request into a set of sub-requests". It appears the Examiner is analogizing the emphasized elements of claim 26 with the elements of claim 22. Based on this assumption, the Examiner cites column 4,

lines 42-50, column 7, lines 58-65, and column 11, lines 9-11 of Kumar to allegedly disclose these elements of claim 26. These sections of Kumar disclose clients that submit ATP requests to a fulfillment server. The fulfillment server turns the ATP requests into component ATP requests. Thereafter, the fulfillment server brokers the component ATP requests to ATP servers based on predefined rules. However, Kumar fails to disclose that these rules are used to split the requests into sub-requests (i.e. turn the ATP requests into component ATP requests), because the rules are instead used to broker component ATP requests to ATP servers. Further, Kumar fails to disclose how the ATP requests are split up into component ATP requests, because Kumar is silent with respect to this operation. Thus, Kumar fails to disclose "wherein a set of rules is used...for splitting the request into a set of sub-requests" as recited in claim 26.

Further, the Examiner has not cited and the Appellants have been unable to locate any sections of Datta or Sunderasan that cure the deficiencies of Kumar. Thus, the combination of Kumar, Datta, and Sunderasan fails to teach or suggest each element of claim 26.

In response to Appellants arguments, Examiner respectfully disagrees.

Claim 26 recites "...wherein a set of rules is used for selecting the asynchronous or the synchronous communication mode and for splitting the request in to a set of sub-requests."

These limitations are similar features recited in claims 21 and 22. For at least the reasons discussed above for claim 22, Kumar at least suggests "using a set of rules for splitting the request into a set of sub-requests."

Further, Kumar teaches that, "client 12 may support default business rules or other constraints according to a user profile, a customer profile, or other suitable definitions... The user may then optionally adjust some or all of these parameters to suit the needs of the particular ATP request 30. Such parameters may include shipping requirements, preferences with respect to product sourcing, product alternates or substitutions, ship-to location, price targets, and any other appropriate parameters. The parameters may also include attributes of the requested item. (col. 11, lines 20-32)

Also, Kumar teaches that Fulfillment server 16 uses business constraints or "rules" described above, which it may have previously stored, received within ATP requests from clients 12, and/or obtained in any other way, to source request line-items to particular ATP servers 14 and/or LFMs 22 or to filter out any component quotation and component promise responses from ATP servers 14 and/or LFMs 22 that do not satisfy these constraints. (see col. 7, lines 58-65)

Thus, the system of Kumar uses business "rules" and "constraints" to carry out the operation of breaking down ATP requests into components requests as well as compiling the quotations (synchronously or asynchronously) to form a unified response to a client's request.

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

/O. G./

Examiner, Art Unit 3687

/Matthew. S Gart/

Supervisory Patent Examiner, Art Unit 3687

Conferees:

/Matthew. S Gart/

Supervisory Patent Examiner, Art Unit 3687

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627